

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DANIEL ANACACY,

Plaintiff,

v.

PANERA, LLC, DOHERTY ENTERPRISES,
INC., DOHERTY BREADS, LLC and JOHN
DOE,

Defendants.

Case No. 2:19-cv-07126-ENV-RLM

DECLARATION OF DENA B. CALO

DENA B. CALO, an attorney duly authorized to practice law before this Court and the courts of the State of New York, hereby declares under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Saul Ewing Arnstein & Lehr LLP, attorneys for Defendants Panera, LLC, The Doherty Group, Inc. d/b/a Doherty Enterprises (improperly pled as “Doherty Enterprises, Inc.”), Doherty Breads, LLC and the individual identified in Plaintiff Daniel Anacacy’s (“Plaintiff”) Complaint as John Doe.

2. I submit this Declaration in support of the Defendants’ Motion to Dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

3. The Court should grant the Defendants’ Motion for the reasons set out in the attached Memorandum of Law, and for any reasons set out in Defendants’ Reply.

WHEREFORE, Defendants respectfully request that the Court (1) grant the Defendants’ Motion; (2) dismiss with prejudice Plaintiff’s Complaint against Defendants Panera, LLC, The Doherty Group, Inc. d/b/a Doherty Enterprises (improperly pled as “Doherty Enterprises, Inc.”) and Doherty Breads, LLC; (3) dismiss without prejudice Plaintiff’s Complaint against Defendant

John Doe; and (4) provide any such other and further relief that may be just and proper.

Dated: April 17, 2020

/s/ Dena B. Calo
Dena B. Calo, Esquire
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